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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,848	09/30/2003	Ayman Hammad	16222U-015600US	3759
66945 7590 03/31/2008 TOWNSEND AND TOWNSEND CREW LLP TWO EMBARCADERO CENTER, 8TH FLOOR SAN FRANCISCO, CA 94111				
EXAMINER				
LASTRA, DANIEL				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/676,848

Applicant(s)

HAMMAD ET AL.

Examiner

DANIEL LASTRA

Art Unit

3688

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-51 have been examined. Application 10/676,848 (METHOD AND SYSTEM FOR MANAGING CONCURRENT SKU-BASED REWARDS PROGRAM) has a filing date 09/30/2003.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24, 26-35 and 37-51 are rejected under 35 U.S.C. 102(e) as being anticipated by George (US 2003/0158818).

Claim 1, George teaches:

A method for determining one or more incentives to apply to a transaction, the method comprising:

determining a plurality of incentives that are eligible for application to the transaction, the eligibility based on at least one product (see paragraph 47);

determining one or more incentives from the plurality of incentives to apply to the transaction (see paragraph 47); and

applying the determined one or more incentives to the transaction (see paragraph 47).

Claim 2, George teaches:

wherein the at least one product is associated with a product identifier that is used to determine the plurality of incentives (see paragraph 47).

Claim 3, George teaches:

communicating with a portable device to determine portable device information (see paragraph 21);

wherein determining the plurality of incentives comprises using the portable device information to determine the plurality of incentives eligible for application to the transaction (see paragraph 21).

Claim 4, George teaches:

wherein determining the one or more incentives comprises using the determined portable device information to determine the one or more incentives (see paragraph 21).

Claim 5, George teaches:

wherein using the determined portable device information comprises comparing the portable device information with information associated with the plurality of incentives to determine the plurality of incentives (see paragraph 21).

Claim 6, George teaches:

updating the portable device information in the portable device to indicate that the determined one or more incentives have been applied to the transaction (see paragraph 20).

Claim 7, George teaches:

wherein determining the one or more incentives comprises determining information for applying the determined one or more incentives (see paragraph 47); and
using the information to determine how the determined one or more incentives are to be applied to the transaction (see paragraph 47).

Claim 8, George teaches:

wherein the information comprises information indicating if an incentive is combinable with another incentive (see paragraph 47).

Claim 9, George teaches:

wherein determining the one or more incentives comprises comparing the information for applying the determined one or more incentives with transaction details for the transaction to determine the one or more incentives (see paragraph 47).

Claim 10, George teaches:

calculating a total value for the transaction, wherein a collective value of the one or more incentives when applied is equal to or less than the total value (see paragraph 47).

Claim 11, George teaches:

wherein applying the determined one or more incentives comprises calculating a new total value based on the total value for the transaction less the value of the one or more incentives (see paragraph 47).

Claim 12, George teaches:

A method for managing incentives in connection with a loyalty transaction, the method comprising:

determining a plurality of incentives that are eligible for the loyalty transaction, the eligibility determined based on at least one product (see paragraph 47);

calculating an incentive value for each of the plurality of incentives (see paragraph 47);

determining one or more incentives from the plurality of incentives to apply to the loyalty transaction based on the calculated incentive values for each of the plurality of incentives (see paragraph 42); and

applying the determined one or more incentives to the loyalty transaction (see paragraph 43).

Claim 13, George teaches:

wherein the at least one product is associated with a product identifier that is used to determine the plurality of incentives (see paragraph 47).

Claim 14, George teaches:

wherein determining one or more incentives comprises:

determining a highest incentive value from the calculated incentive values (see paragraph 43);

and

wherein applying the determined one or more incentives comprises applying an incentive with the highest incentive value (see paragraph 44).

Claim 15, George teaches:

determining if the incentive with the highest incentive value allows the incentive to be combined with other incentives (see paragraph 42); and

if the incentive does allow for combining, determining another incentive to apply to the loyalty transaction in addition to the incentive with the highest value.

Claim 16, George teaches:

calculating a total value for the loyalty transaction, wherein a collective value of the one or more incentives is equal to or less than the calculated total value (see paragraph 44).

Claim 17, George teaches:

wherein applying the determined one or more incentives comprising calculating a new total value from the total value based on the determined one or more incentives (see paragraph 44).

Claim 18, George teaches:

outputting the new total value (see paragraph 44).

Claim 19, George teaches:

communicating with a portable device to determine portable device information;

wherein determining the plurality of incentives comprises using the portable device information to determine the plurality of incentives that are eligible for the loyalty transaction (see paragraph 21).

Claim 20, George teaches:

updating portable device information in the portable device to indicate that the one or more incentives have been applied to the loyalty transaction (see paragraph 21).

Claim 21, George teaches:

A method for determining one or more incentives to apply to a loyalty transaction, the method comprising:

communicating with a portable device to conduct the loyalty transaction, the loyalty transaction involving at least one product having a product identifier (see paragraph 47);

determining portable device information for the portable device (see paragraph 21);

determining a plurality of incentives that are eligible for the loyalty transaction, the eligible incentives determined based on the product identifier and the portable device information (see paragraph 21);

determining one or more incentives from the plurality of incentives to apply to the loyalty transaction (see paragraph 21); and

applying the determined one or more incentives to the loyalty transaction (see paragraph 21).

Claim 22, George teaches:

wherein determining the one or more incentives comprises determining information for applying the one or more incentives (see paragraph 42); and

using the information for applying to determine how the one or more incentives are to be applied to the loyalty transaction (see paragraph 42).

Claim 23, George teaches:

wherein the information for applying comprises information indicating if an incentive is combinable with another incentive (see paragraph 42).

Claim 24, George teaches:

wherein the information for applying comprises information indicating that an incentive having a nearest expiration date is to be applied (see paragraph 45).

Claim 26, George teaches:

wherein determining the one or more incentives comprises comparing the information for applying with transaction details for the loyalty transaction to determine the one or more incentives (see paragraph 42).

Claim 27, George teaches:

calculating a total value for the loyalty transaction, wherein a collective value of the one or more incentives when applied is equal to or less than the total value (see paragraphs 43-44).

Claim 28, George teaches:

wherein applying the determined one or more incentives comprises calculating a new total value for the loyalty transaction based on the one or more incentives (see paragraphs 43-44).

Claim 29, George teaches:

updating information in the portable device to indicate that the one or more incentives have been applied to the transaction (see paragraph 47).

Claim 30, George teaches:

A method for managing a plurality of incentives, the method comprising: determining information for the plurality of incentives, the information for each incentive including a product identifier (see paragraph 47);

determining one or more rules for applying incentives if two or more incentives in the plurality of incentives are applicable for a loyalty transaction (see paragraph 47); and

sending the information and the one or more rules to one or more distribution channels, wherein the information including the product identifier is usable to determine two or more eligible incentives from the plurality of incentives for the loyalty transaction (see paragraph 47)

and the one or more rules are usable to determine one or more incentives from the two or more eligible incentives that are applicable for the loyalty transaction (see paragraph 47).

Claim 31, George teaches:

wherein the one or more rules comprise values that are compared to at least one of portable device information and information from the loyalty transaction to determine the one or more incentives that are applicable (see paragraph 44).

Claim 32, George teaches:

wherein the one or more rules include a rule specifying if an incentive may be combined with other incentives in the two or more eligible incentives (see paragraph 47).

Claim 33, George teaches:

wherein the one or more rules include a rule specifying if one incentive should override another incentive in the two or more eligible incentives (see paragraph 47).

Claim 34, George teaches:

wherein the one or more rules include a rule specifying that a highest value incentive in the two or more eligible incentives should be applied (see paragraph 47).

Claim 35, George teaches:

wherein the one or more rules include a rule specifying which incentive in the two or more eligible incentives to apply based on a product identifier (see paragraph 47).

Claim 37, George teaches:

A method for determining one or more incentives to apply to a loyalty transaction, the method comprising:

using a portable device in a loyalty transaction for at least one product associated with a product identifier (see paragraph 47);

determining loyalty program information for a plurality of loyalty programs (see paragraph 47);

determining portable device information for the portable device (see paragraph 21);

determining transaction details for the loyalty transaction (see paragraph 47);

determining one or more incentives from a plurality of incentives to apply to the loyalty transaction based on at least one of the loyalty program information, portable device information, product identifier, and transaction details, wherein the plurality of incentives are associated with the product identifier (see paragraph 47); and

applying the determined one or more incentives to the loyalty transaction (see paragraph 47).

Claim 38, George teaches:

wherein the loyalty program information comprises parameters that specify rules useable in determining the one or more incentives (see paragraph 44).

Claim 39, George teaches:

wherein the rules comprise at least one of a rule based on a monetary value, a rule based on the product identifier and a user selection, a rule based on an expiration date, and a rule based on if an incentive in the plurality of incentives is combinable (see paragraph 44).

Claim 40, George teaches:

wherein the portable device information comprises information specific to the portable device, wherein determining the one or more incentives comprises using the information specific to the portable device to determine the one or more incentives (see paragraph 21).

Claim 41, George teaches:

wherein the transaction details comprise information specific to the loyalty transaction, wherein determining the one or more incentives comprises using the information specific to the loyalty transaction to determine the one or more incentives (see paragraph 47).

Claim 42, George teaches:

A device for determining one or more incentives to apply to a loyalty transaction, the device comprising:

a communicator configured to receive a request to process a loyalty transaction involving at least one product (see paragraph 47);

a program determiner configured to determine a plurality of incentives that are eligible for application to the loyalty transaction, the eligibility based on the at least one product (see paragraph 47);

an incentive selector configured to select one or more incentives from the plurality of incentives to apply to the loyalty transaction (see paragraph 47); and

an incentive applier configured to apply the determined one or more incentives to the loyalty transaction (see paragraph 47).

Claim 43, George teaches:

wherein the communicator is configured to communicate with a portable device to determine portable device information, the portable device information useable to determine the plurality of incentives or the selected one or more incentives (see paragraph 21).

Claim 44, George teaches:

wherein the communicator is configured to determine transaction details, the transaction details useable to determine the plurality of incentives or the selected one or more incentives (see paragraph 47).

Claim 45, George teaches:

an output configured to output a new total for the loyalty transaction based on the applied one or more incentives (see paragraph 43).

Claim 46, George teaches:

a database configured to store information for the plurality of loyalty programs, the information useable to determine the plurality of incentives or the selected one or more incentives (see paragraph 47).

Claim 47, George teaches:

wherein the communicator is configured to cause update information for the loyalty transaction to be written to a portable device (see paragraph 21).

Claim 48, George teaches:

A system for determining one or more incentives to apply to a loyalty transaction, the system comprising:

one or more portable devices, each portable device including portable device information (see paragraph 21); and

one or more distribution channels, at least one distribution channel comprising:

a communicator configured to communicate with a portable device in the one or more portable devices for a loyalty transaction involving at least one product and to determine portable device information associated with the portable device (see paragraph 21);

an incentive selector configured to determine one or more incentives from a plurality of incentives associated with the at least one product to apply to the loyalty transaction, the one or more incentives determined based on the at least one product and the portable device information (see paragraph 21); and

an incentive applier configured to apply the determined one or more incentives to the loyalty transaction (see paragraph 21).

Claim 49, George teaches:

wherein the at least one distribution channel further comprises a program determiner configured to determine the plurality of incentives associated with the at least one product (see paragraph 47).

Claim 50, George teaches:

a host configured to download information relating to the plurality of incentives to at least one distribution channel, wherein the information is useable to determine the one or more incentives (see paragraph 21).

Claim 51, George teaches:

wherein the information relating to the plurality of incentives comprises at least one of a rule based on a monetary value, a rule based on the at least one product and a user selection, a rule based on an expiration date, and a rule based on if an incentive in the plurality of incentives is combinable (see paragraph 44).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 25 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over George (US 2003/0158818) in view of Postrel (US 6,594,640).

Claim 25 and 36, George teaches:

wherein the information for applying comprises information indicating that a user preference is to be used to determine how to apply the one or more incentives. However, Postrel teaches that it is old and well known in the promotion art to allow users to define their preferences about how to apply one or more incentives (see Postrel col 7, lines 40-67). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that George would allow users to define their preferences about how to apply one or more incentives, as it is old and well known to do so, as taught by Postrel.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The official Fax number is 571-273-8300.

Art Unit: 3688

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/
Art Unit 3688
March 26, 2008